IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 22079 of 2006(C)

PETITIONER:

K.C.KURIAKOSE,
KIZHAKKAYIL HOUSE, MUTTUKAD,
BASON VALLEY, IDUKKI DISTRICT.

BY ADV. SRI.HARUN-AL-RASHID

RESPONDENTS:

1. THE SUPERINTENDENT OF POLICE,
   IDUKKI DISTRICT.

2. THE CIRCLE INSPECTOR OF POLICE,
   ADIMALI, IDUKKI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
   RAJAKKAD, IDUKKI DISTRICT.

4. MATHEW, S/O. MATHAI,
   KIZHAKKAYIL HOUSE, MUTTUKAD,
   BASON VALLEY, IDUKKI DISTRICT.

5. BABY, S/O. JOSEPH,
   KUTTIVELIL, MUTTUKAD, BASON VALLEY,
   IDUKKI DISTRICT.

6. YOHANAN, S/O. MATHAI,
   ERUMALETHADATHIL, MUTTUKAD,
   BASON VALLEY, IDUKKI DISTRICT.

7. SANI, S/O. YOHANAN,
   ERUMALATHADATHIL, MUTTUKAD,
   BASON VALLEY, IDUKKI DISTRICT.

8. MATHAI,
   ERUMALATHADATHIL, MUTTUKAD,
   BASON VALLEY, IDUKKI DISTRICT.

9. VEERAN FROM TAMIL NADU,
   MUTTUKAD, BASON VALLEY, IDUKKI DISTRICT.

BY ADV. SRI.A.X.VARGHESE
G.P. M.R.SABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 22079/2006

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE SKETCH.

P2. COPY OF THE REPORT OF REVENUE INSPECTOR DTD.21.4.94.

P3. COPY OF THE REPORT.

P4. COPY OF THE REPORT OF THE VILLAGE OFFICER, BAISINVALLY.

P5. COPY OF THE FINAL ORDER DTD.27.2.97.

P6. COPY OF THE COMPLIANCE REPORT DTD.1.4.97.

P7. COPY OF THE ORDER DTD.28.11.98 OF SESSIONS JUDGE, THODUPUZHA.

P8. COPY OF THE JUDGMENT DTD.3.8.06.

P9. COPY OF THE COMPLAINT DTD.10.7.06 BEFORE R1.

P10 COPY OF THE COMPLIANT DTD.10.7.06 BEFORE R2.

P11. COPY OF THE COMPLAINT DTD.10.7.06 BEFORE R3.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No. 22079 of 2006

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Dated this the 18th day of July, 2007

J U D G M E N T

The petitioner has been enjoying the benefit of water from a stream by the use of a hosepipe. The petitioner has approached this court seeking appropriate action against respondents 4 to 9 on the allegation that they destroyed the hosepipe. This court had passed an interim order on 1.1.2007, as follows:

> "The petitioner got orders from the RDO permitting him to retain the hosepipe line from the water source in Government property to his house. It is destroyed and removed by respondents 4 to 9. Even though, the pipeline was retained under the order of the RDO, respondents 4 to 9 have again removed the same. In spite of service notice to respondents 4 to 9, they have not cared to appear before this Court. In these circumstances, there will be an interim direction to the 3rd respondent to provide police protection to the petitioner to lay and retain the hosepipe to take water from the reservoir. The pipeline laid by respondents 4 to 9 need not be removed but the petitioner would be permitted to retain another hosepipe. The 3rd respondent is directed to conduct a local enquiry and file a report before this Court after taking the statements from respondents 4 to9. The petitioner shall produce copy of the order before the 3rd respondent for compliance."

2. The counsel for the petitioner submits that pursuant to the interim order, the hosepipe has been restored and he now seeks disposal of the writ petition in terms of the interim order

with a further direction to respondents 1 to 3 to see that respondents 4 to 9 do not interfere with the use of the hosepipe by the petitioner. The learned counsel for the respondents 4 to 9 submits that they will not cause any obstruction to the use of hosepipe by the petitioner nor would they destroy the same. This is recorded. Respondents 1 to 3 shall, on a complaint filed by the petitioner in that regard, ensure that respondents 4 to 9 or their followers and men comply with the undertaking recorded as above.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.